

following deposit of the sample.

44. (amended) A method of using a device as claimed in claim 43 to test for drug use, comprising the steps of dropping a urine sample into the well, [and] then covering and sealing the well with the cap/cover means in a fluid tight relationship, and determining drug test results in the window.

#### REMARKS

The action mailed 10/25/00 was received and its contents carefully noted. An telephone interview was held between the examiner and the undersigned on 12/12/00. In preparation for the interview, a Draft of 12/11/00 was prepared and faxed to the examiner, introducing into claims 1, 8, and 42 the wording "consisting essentially of an empty space", for the purpose of following the suggestion contained in the first paragraph on page 4 of the action of 10/25/00. During the interview, the examiner suggested "empty chamber", in order to have wording satisfactory for avoiding the rejections utilizing Senior (5,504,013). Thus, the present amendment exchanges "empty chamber" for "empty space" in the Draft of 12/11/00 and results in the above amendments of claims 1, 8, 24, 26, 30, 32, 39, and 42, and the cancellation of claims 25 and 31. Associated changes in the specification, changing "space" to "chamber", are also presented. The suggestion in the first paragraph of page 4 of the action mailed 10/25/00 is still applied to use closed claim language to exclude additional elements, in order to exclude Senior's structure and therefore to avoid the rejections involving Senior. These claims and those depending from them require by this amendment, now more clearly than ever, a structural situation where

the cartridge/cassette exhibits a well/opening consisting essentially of an empty chamber (shown at 4b in Fig. 1), into which drops of sample can be deposited. In contrast, Senior discloses a situation where the opening is not empty but instead is filled with bibulous member 16.

The "consisting essentially of" language has not been placed in claim 43, because that claim additionally avoids rejection on Senior by reciting a test strip for the immunoassay method called antigen-antibody competitive binding to test a urine sample for drug use. Senior instead has a test strip for pregnancy testing.

The rejection of claim 44 under 35 USC 112, second paragraph, made in the action mailed 10/25/00, is sought to be avoided by the above amendment adding the step of determining drug test results in the window of the device defined in claim 43.

This amendment also places objected claims 35 and 36 into the required independent form.

In reviewing the application papers for this AMENDMENT, it was discovered that the FILING RECEIPT fails to mention the third inventor. The third inventor is listed on additional Sheet 1 of 1 of the Declaration for Patent Application and on the PATENT APPLICATION TRANSMITTAL LETTER, both as originally filed. A corresponding amendment of the FILING RECEIPT is requested above.

On the basis of the above amendments and remarks, the application is now in condition for allowance. Reconsideration of the rejections and allowance of claims 1, 8, 23, 24, 26-30, 32-34, and 37-44 are requested. The allowability of claims 35 and 36 is

acknowledged.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daniel A. Sullivan Jr.", with a stylized flourish at the end.

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